



**Liquor and Tobacco Advisory Board Minutes
Tuesday, November 17, 2020
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
Via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

LTAB Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Staff:

Lafakeria Vaughn – Assistant City Attorney
Brooke Benoit- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Samantha Heim – Videographer
Jeremy Carter - Traffic Engineer

Others:

Paula Quetsch- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the LTAB, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on November 13, 2020. Since this is a public hearing with an unknown number of attendees, which could be more than 50 people, an in-person meeting at City Hall is not feasible at this time.

Lafakeria Vaughn explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the Covid-19 pandemic and social distancing restrictions, this public hearing for the Liquor and Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City hall in Council Chambers and on the City's website.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: Written public comments being submitted by 5:00 pm, on November 17, 2020 to Attorney Vaughn's email, or the Permit Center located on the first floor at City hall or coming to City hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Codes & Regulations meeting will be Monday, November 23, 2020 at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this

process is the City Council. That vote is tentatively scheduled on Monday, December 7, 2020. If the item is laid over at the LTAB meeting, the next meeting is Tuesday, December 15, 2020. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:06 PM. A **MOTION** was made by Maurice Redd to **APPROVE** the October 20, 2020 meeting minutes. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 7-0.

20-LTAB-082

Applicant
Ward 6

1625 Sandy Hollow Road

Kelly Quinby / Spinning Slots Inc. dba Spinning Slots

Modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District

Laid over from August, September and October

The applicant, Kelly Quinby was present, along with her attorneys Mark Rouleau and Stephen Komie. During their presentation via Webex, Attorney Rouleau had technical difficulties and requested a layover.

A **MOTION** was made by Tom Fabiano to **LAYOVER** the Modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

20-LTAB-084

Applicant
Ward 10

4846 East State Street

Jamal Abedrabbo / 815 Hookah City Corp. dba 815 Hookah Lounge

The sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District

Laid over from September and October

Prior to the meeting, City staff requested a layover.

A **MOTION** was made by Kim Johnsen to **LAYOVER** the sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

20-LTAB-091

Applicant
Ward 11

1244 Broadway

Monica Davis / One Stop Shop Corner, LLC dba One Stop Shop Corner

The sale of tobacco products in conjunction with a convenience store in a C-4, Urban Mixed Use Zoning District

The applicant, Monica Davis, was present. Monica Davis stated she is requesting the sale of tobacco products for One Stop Shop Corner located at 1244 Broadway Street. The subject property is located on the northwest corner of Broadway and 9th Street. The parcel is surrounded by commercial and residential uses. Attorney Lafakeria Vaughn inquired whether the applicant reviewed the staff recommendation and agreed with the conditions. Ms. Davis responded that she did not review staff recommendation. Attorney Vaughn read the twelve (12) conditions stated in the report. Ms. Davis asked if she could repeat the hours of operation. Attorney Vaughn responded the hours of operation were 10:00 A.M. to 7:00 P.M. Monday through Saturday. Ms. Davis asked if those hours could be changed. Attorney Vaughn responded those hours were the ones she requested in her business plan. Ms. Davis also inquired about condition 9, as she currently has bars on her windows. Attorney Vaughn responded she would have to remove the

bars from the windows. Ms. Davis stated she will remove the bars and agrees to the twelve (12) conditions.

Staff Recommendation is for Approval with twelve (12) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of tobacco products in conjunction with a convenience store in a C-4, Urban Mixed Use Zoning District The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior site plan that was submitted as Exhibit E.
4. The hours of operation will be limited to 10:00 A.M. to 7:00 P.M. Monday through Saturday.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
7. Window display signage is limited to 20% of window area.
8. There shall not be temporary exterior signage.
9. The windows shall not be covered with bars or other devices that block the windows.
10. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
11. All outstanding general ordinance fines must be paid prior to the issuance of the license.
12. All conditions must be met prior to establishment of use

20-LTAB-092

Applicant
Ward 4

6874 Weaver Road

Casey's Retail Company dba Casey's General Store

The sale of packaged liquor in conjunction with a gasoline station and convenience store and **the sale of tobacco products** conjunction with a gasoline station and convenience store in a C-3, General Commercial Zoning District

Paige Johnson, Local District Supervisor for Casey's, was present. Ms. Johnson stated Casey's is purchasing this gas station and will be converting it to a Casey's General Store. The subject property is located on the northwest corner of Weaver Road and North Perryville Road. Kim Johnsen inquired if the conversion has already happened. Ms. Johnson stated they are closing on the property on December 17th and will probably close down for a couple of months to remodel. Attorney Lafakeria Vaughn asked Ms. Johnson if she has reviewed staff recommendation and did she agree to the conditions. Ms. Johnson stated she did not read the recommendation. Attorney Vaughn read the eleven (11) conditions stated in the report. Ms. Johnson agreed to the eleven (11) conditions.

Staff Recommendation is for Approval with eleven (11) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor in conjunction with a gasoline station and convenience store and **APPROVE** the sale of tobacco products conjunction with a gasoline station and convenience store in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor and Tobacco codes.
3. The hours of operation will be limited to 6:00 a.m. to 10:00 p.m. Monday through Sunday. Liquor sales cannot begin until 9:00 a.m. on Sunday per the City of Rockford Liquor Code.
4. Window display signage is limited to 20% of window area.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. There shall not be any temporary signage.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinance fines must be paid prior to issuance of the license.
11. All conditions must be met prior to issuance of liquor license and tobacco license.

- **Vote on 2021 Liquor and Tobacco Advisory Board Calendar**

A **MOTION** was made by Maurice Redd to **APPROVE** the 2021 Liquor and Tobacco Advisory Board Calendar. The **MOTION** was **SECONDED** by Craig Sockwell and carried by a vote of 7-0.

- **Proposed Amendment to Article V (Continuances) of the Rules and Procedures of the Liquor and Tobacco Advisory Board**

- The proposed amendment will authorize the Board to grant no more than three (3) continuances on an application.

ARTICLE V

CONTINUANCES

- Section 5.1 Continuances may be granted at the discretion of the Board and only upon good cause shown. **However, no more than three (3) continuances on an application shall be granted by the Board.** It is recognized that where notice of a hearing has been published and mailed to interested parties that considerable inconvenience may result to many interested persons in the event an application or appeal is continued to another meeting. Once hearing on application is commenced, it is the policy of the Board to take all evidence and close testimony on the night the hearing is set. The Board may grant one continuance to persons who are legal objectors or entitled to receive notice of the hearing pursuant to the Liquor Ordinance for the purpose of presenting evidence to rebut testimony presented by the appellant or applicant.

Scott Capovilla, Planning and Zoning Manager, explained this is an Amendment to the Rules and Procedures for the Liquor and Tobacco Advisory Board. This amendment would allow no more than three (3) continuances on an application. Dan Roszkowski asked Mr. Capovilla if they have been overstepping their authority. Mr. Capovilla responded that lately they have granted more than three layovers on items. A couple of aldermen requested this amendment to limit the layovers to just three. Tom Fabiano asked if there is any provision for good cause. Attorney Vaughn responded if it was a medical issue or an urgent matter, the board will be able to allow another layover. Attorney Vaughn further explained they just don't want it getting into a habit of allowing four, five or even six layovers. Kim Johnsen stated she is not comfortable with the language as proposed. Mr. Fabiano suggested they can change the amendment to "However, no more than three (3) continuances on an application shall be granted by the Board absent good cause."

A **MOTION** was made by Kim Johnsen to **APPROVE** the Proposed Amendment to Article V (Continuances) of the Rules and Procedures of the Liquor and Tobacco Advisory Board with the amended language as presented by Mr. Fabiano stating "*However, no more than three (3) continuances on an application shall be granted by the Board absent good cause.*" The **MOTION** was **SECONDED** by Tom Fabiano and carried by a vote of 7-0.

With no further business to come before the Board, the meeting was adjourned at 6:44 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals